

## **Learning to Love Section 8**

### **A Journey Through History and Housing policy**

**Kevin Flemen**



### **In a distant town, far, far away....**

**•Fear of OPIUM use leads legislation which makes it an offence to allow premises to be used for the preparation of opium for smoking.**

**•This fear has been raised through the early 1900s by salacious stories about such dens, and how young women will be seduced and molested therein...**



## Dangerous Drugs!



**KFx**  
Learning of Substance

## A new menace!

•As times change, so do the fears, and a new peril means that a peril worse than the OPIUM FIEND needs to be controlled....

## The Hippy!



**KFx**  
Learning of Substance

## The advent of Section 8

In 1971 the Dangerous Drugs Act is replaced by the Misuse of Drugs Act;

Legislation relating to premises is enshrined in Section 8 of the MDA.

Managers or occupiers of premises must not knowingly permit:

- Production of any controlled drug
- Supply of any controlled drug
- Smoking cannabis (and opium).



## How Housing Worked with S8?

Strategy A – Screen ‘em out

Strategy B – The old “blind eye” approach

Strategy C – The Zero Tolerance Approach

Strategy D – the “anything goes model”





## **A New Hope?**

**The idea of a new model:  
the “eyes wide open” approach...**

- **Assess need**
- **Increase access**
- **Reduce exclusions**
- **Meet needs**

**But who would take it on?**



## **Early Adopters...**

**A very short roll of honour including:**

**Single Homeless Project**

**Selhal (Now MMHG in Partnership)**

**Foundation Housing**

**St Mungos**



## **A Spanner in the Works**

**May 1998 – Ruth Wyner and John Brock arrested**

**October 1999 – Wintercomfort Trial**

**November 1999 – Verdict delivered**

**January 2000 – confusion and misunderstanding  
across the drugs and housing field**



## **Fire-fighting...**

**Numerous workshops and conferences to allay  
fears;**

**Many organisations retain exclusionary policies  
post Wintercomfort;**

**Smaller number adopt more flexible approaches**

**Things get a little better but...**



## A New Fear stalks the land...



Fear of 'crack houses' spreads from inner cities in to the shires

As the dens become more blatant, it becomes clear that a new law is required.

Who would be brave enough...



## The Empire Fights Back!



Bob Ainsworth – previously saw no need to change Section 8

Run up to the 2001 Election – accedes to Lords Amendment – S38 of the P+CJA 2001

- Extended Section 8(d) to cover all controlled drugs unlawfully held

- Commencement delayed to allow for consultation on guidance



## **Use the Force...**

**June 2001 Section 38 added to Statute**

**September 2002 Notes of Guidance produced**

**More than 100 agencies respond to the consultation and Government recognises that Section 8 amendment is unworkable – implementation suspended**

**March 2003: Antisocial Behaviour Bill published**

**Jan 2004: Power to close premises comes in to force**

**Jan 2005: Amendment to S8 repealed; stability!**



## **Since then...**

**More housing providers working with ongoing use**

**No similar prosecutions**

**No legislative changes in the pipeline**

**Growing support for this model of work**



## Thanks...

To the many who made it happen...

People who took risks,  
Stuck their necks out  
Made themselves unpopular  
Jumped up and down  
And didn't always do as they were told.



[www.drugsandhousing.co.uk](http://www.drugsandhousing.co.uk)



[www.ixion.demon.co.uk](http://www.ixion.demon.co.uk)